U.S. Army Corps of Engineers

DISTRICT OFFICE: Rock Island District (MVR) (Schafer) FILE NUMBER: CEMVR-OD-P-2004-769 (Douglas McCaw)

Sta Cor Cer Ap Nai	te: Illinois unty: Mercer nter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, me of nearest waterway: Pope Creek me of watershed: Flint - Henderson	e): including	41.1/-90.8 uplands: 10 acres.			
	DICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s)		Date: 8/16/04 Date(s):			
Jur	risdictional Determination (JD):					
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "navigable waters of the the reviewed area. Approximate size o	United Sta f jurisdicti	ates" (as defined by 33 CFR part 329 and associated guidance) within onal area:			
	There are "waters of the United Stareviewed area. Approximate size of jun	tes" (as deisdictiona	efined by 33 CFR part 328 and associated guidance) within the l area: 2.2 acres.			
			e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No			
A.	OF JURISDICTIONAL DETERMINA Waters defined under 33 CFR part 3 The presence of waters that are subject the past, or may be susceptible for use to the past of the	29 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in			
B.	interstate or foreign commerce, includir (2) The presence of interstate waters inc (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect inters (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a water (6) The presence of territorial seas.	urrently using all water cluding into sintrastate the communiterstate of correction of the control of the correction of	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands ¹ . te takes, rivers, streams (including intermittent streams), mudflats, a meadows, playa lakes, or natural ponds, the use, degradation or the erece including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign eommerce. I purposes by industries in interstate commerce.			
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Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located in Pope Creek, a tributary stream of the Mississippi River.

Lat	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: Gil or scum line along shore objects oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
\boxtimes	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	 Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute

Wetlands are identified and definenced using the methods and criteria established in the Corps Wetland Defineation Manual (87 Manual) (i.e., accurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bondering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Rock Island District (MVR) (Schafer) FILE NUMBER: CEMVR-OD-P-2004-910 (John Fisher)

tate: County: Center coord Approximate Jame of near	Illinois Mercer linates of site (latitude size of area (parcel rest waterway: Pope	de/longitude);) reviewed, includi Creek	41.1/-90.8 ng uplands: 11 acres.		
			Date: 8/17/04 Date(s):		
urisdiction	al Determination (J	ID):			
Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
		d JD is an appealab	le action (Reference 33 CFR part 331).		
			States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:		
			defined by 33 CFR part 328 and associated guidance) within the nal area; 2.1 acres.		
☐ Ther	Decision	n supported by SW	tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.		
Waters The pres	defined under 33 C sence of waters that	CFR part 329 as "are subject to the el	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in		
(1) The interstat (2) The (3) The sandflat destruct (ii) (iii) (iii) (4) Impo (5) The	presence of waters, are or foreign commer presence of interstat presence of other was, wetlands, sloughs, ion of which could a which are or could be from which fish or so) which are or could oundments of waters presence of a tributal presence of territoria	which are currently ree, including all we waters including aters such as intrast, prairie potholes, we ffect interstate cone used by interstate shellfish are or coube used for industrict otherwise defined my to a water identification.	rused, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands. ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. Id be taken and sold in interstate or foreign commerce. ial purposes by industries in interstate commerce. as waters of the US.		
	tate: County: Center coord Approximate lame of nea lame of wal SDICTION Completed: United: (Refere Approv Check a Ther the reviewe Ther the past Waters The pres the past (2) The interstat (2) The (3) The sandflat destruct (1) The (3) The (4) Imp (5) The (6) The	tate: Illinois County: Mercer Center coordinates of site (latitude Approximate size of area (parcel Rame of nearest waterway: Pope Rame of watershed: Flint-He Completed: Desktop determine Site visit(s) urisdictional Determination (d) Preliminary JD - Based on a United States" and/or "navig (Reference 33 CFR part 331) Approved JD - An approved Check all that apply: There are "navigable was the reviewed area. Approximate reviewed area. Approximate There are "isolated, non Decision Jurisdict There are "isolated, non Decision The presence of waters that the past, or may be susceptife. Waters defined under 33 CFR part 34	County: Mercer Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including ame of nearest waterway: Pope Creek Came of watershed: Flint-Henderson SDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD — An approved JD is an appealable Check all that apply: There are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdiction There are "isolated, non-navigable, intra-s Decision supported by SW Jurisdiction. SOF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "In the presence of waters that are subject to the elethe past, or may be susceptible for use to transport of the presence of interstate waters including all with the presence of other waters such as intrast sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate could (i) which are or could be used by interstate (ii) from which fish or shellfish are or could (iii) which are or could be used for industriction (ii) which are or could be used for industriction (iii) which are or could be used for industriction of waters of waters otherwise defined (4) Impoundments of waters otherwise defined		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project is located in Pope Creek, a tributary stream of the Mississippi River.

La ⊠	Cordinary High Water Mark indicated by: High Tide Line indicated by: Clear, natural line impressed on the bank Oil or seum line along shore objects fine shell or debris deposits (foreshore) Changes in the character of soil Changes in the character
\boxtimes	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Acrial Photographs (Name & Date): GIS-DOQ 1998/1999 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Corp GIS Database

Werlands are identified and defineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic wegetation, flydric soils and wetland hydrology).

²The term "adjacent" means bondering, contiguous, or neighboring. Westands separated from other waters of the U.S. by man-mude dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.